

Notice of Allowability

Application No.

09/656,896

Examiner

Hieu Le

Applicant(s)

HERICOURT ET AL.

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to reply filed October 26, 2005.
2. ☒ The allowed claim(s) is/are 1-4, 6-7, 9-10, 12-17, 19-20, 22-23, 25-34, 37-38, 40-44 (renumbered as 1-36).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



ANDREW CALDWELL
PATENT EXAMINER

Art Unit: 2142

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

As to the Applicants' arguments filed on October 26, 2005, they have been considered but they are not persuasive. The Applicants argued that there is no motivation in the prior art to support the double patenting rejection. The Examiner notes that motivation is found in Waldin at col. 8 lines 20-30 and also at col. 2 lines 2-25 and col. 3 lines 60-65. Although the Applicants' arguments are unpersuasive, the double patenting rejection is withdrawn because claims 1 and 31 of this application are not obvious over claim 7 of Le Pennec in view of Waldin. Neither claim 7 of Le Pennec nor Waldin teaches the a combination as claimed including the steps of receiving from the file server a list of available virus free certificates, and if a certificate is accepted by the client system, selecting from the list an available virus-free certificate for the file. In addition, no claim of Le Pennec is obvious over any claim of this application in view of Waldin because neither suggest caching virus-free certificates as taught by Le Pennec. For these reasons, the double patenting rejection was withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le, whose telephone number is (571) 272-3897. The examiner can normally be reached on M-F from 7:30 a.m. to 4:00 p.m. EST.

Art Unit: 2142

If attempts to reach the examiner by phone fail, the examiner's supervisor, Andrew Caldwell, can be reached at (571) 272-3868.

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with the first name "Andrew" written in a larger, more prominent script than the last name "Caldwell".

Hieu Le
703-306-3036

ANDREW CALDWELL
PATENT EXAMINER